

In re:

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Chapter 7

INTERNATIONAL EXCHANGE SERVICES, LLC ,  
Debtor.

Case No. 13-40909-ess

DEBRA KRAMER as Trustee of the Estate of  
INTERNATIONAL EXCHANGE SERVICE, LLC,

Plaintiff,  
-against-  
Adv. Pro. No.: 13-1470-ess

MATTHEW THIELEN,

Defendant.  
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**ORDER GRANTING JUDGMENT UPON DEFAULT**

WHEREAS, on September 21, 2013, Debra Kramer, as chapter 7 trustee (“Trustee” or “Plaintiff”) of the Estate of International Exchange Services, LLC (the “Debtor”) commenced the above captioned adversary proceeding by the filing of a complaint (“Complaint”) against Matthew Thielen, the defendant (“Defendant”) herein, for a declaratory judgment determining that: (a) the Debtor was the “alter ego” of the Defendant; (b) the assets of the Defendant as of the date of the filing are assets of the estate; (c) directing the Defendant to turn over his assets as of the date of the filing and (d) judgment in an amount to be determined by the Court for breach of fiduciary duty; and

WHEREAS, the Defendant failed to answer the summons and complaint in this adversary proceeding or otherwise appear in the action; and

WHEREAS, the Trustee filed an application (“Application”) for entry of a default judgment against the Defendant; and

WHEREAS, the Defendant having filed no opposition to the entry of a default judgment

WHEREAS, the Application having been heard by the Court on April 1, 2014; and

WHEREAS, the Trustee's application having sought the entry of Default Judgment against the Defendant for a declaratory judgment determining that: (a) the Debtor was the "alter ego" of the Defendant; (b) the assets of the Defendant as of the date of the filing are assets of the estate; (c) directing the Defendant to turn over his assets as of the date of the filing and (d) judgment in an amount to be determined by the Court for breach of fiduciary duty;

WHEREAS, the Court having granted the Trustee's application and directing the Trustee to settle the Order and Judgment; and

WHEREAS, it appearing the Notice of Presentment of the Order and Judgment having been served upon the Defendant; and

WHEREAS, the Proposed Order and Judgment having come on for signature on April 14, 2014; and

WHEREAS, no opposition to the Proposed Order and Judgment having been made;

**IT IS HEREBY ORDERED AND ADJUDGED:**

1. That the Plaintiff, Debra Kramer, as Trustee, is entitled to a judgment upon default pursuant to Rule 55 of the Federal Rules of Civil Procedure made applicable herein.
2. A separate judgment upon default shall be issued by the Court in connection with this Order.

**Dated: Brooklyn, New York  
April 17, 2014**



  
**Elizabeth S. Stong**  
United States Bankruptcy Judge